

Appln No. 10/650,460

Reply to Office action of March 23, 2004

REMARKS/ARGUMENTS

The Office Action dated March 23, 2004, has been reviewed and the comments carefully considered.

In the Office action, various issues and questions are raised concerning the description of the variety. By the amendments in the accompanying Substitute Specification, Applicant has made a bona fide effort to address all issues and questions. Applicant notes that the Calibrachoa 'Sunbelho' variety in the UPOV data and the instant Calibrachoa are the same. Applicant further notes that the Examiner correctly states that there is a greenish coloration at the bottom of the corolla throat in the photographic illustration. However, this is due to the coloration of the calyx as seen through the bottom of the corolla throat.

In view of the foregoing amendment and response, it is believed that the application is in condition for allowance and, accordingly, reconsideration and allowance is earnestly solicited.

If any questions remain regarding the allowability of the application, Applicant would appreciate if the Examiner would advise the undersigned by telephone.

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The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,

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PETUNIA-CALIBRACHOA PLANT NAMED 'SUNBELHO'

BOTANICAL/COMMERCIAL CLASSIFICATION

~~Petunia hybrida~~/Petunia Plant Calibrachoa sp.

VARIATAL DENOMINATION

5 cv. 'Sunbelho'

BACKGROUND OF THE VARIETY

The Petunia is a very popular plant that is used for flower bedding and potting in the summer season. There are only a few Petunia Calibrachoa developed series of having small flowers, currently classified as Calibrachoa, ~~petunias~~, such as 'SUNTORY SP-R' (U.S. Plant Pat. No. 9557), 'SUNBERUBU' (U.S. Plant Pat. No. 9754, SUNBELCHIPI' (U.S. Plant Pat. No. 10,355) and 'SUNBELKI' (U.S. Plant Pat. No. 11,558). These are of the ~~having a~~ semi-decumbent type ~~growth habit~~, a medium plant height, abundant, branching, and a high resistance to heat and rain and disease. ~~However there are only a few varieties having a great profusion of flowers, white flower color, a very small flower size and a high resistance to rain, heat, and diseases. Accordingly, this invention was aimed at obtaining a new variety~~
15 ~~having white colored petals, and very small flowers combined with the above features.~~

The new variety of ~~Petunia~~ Calibrachoa plant according to this invention originated from crossing with the ~~Petunia~~ Calibrachoa variety called '9W16' and the other ~~Petunia~~ Calibrachoa plant variety called '9W6'.
25

First of all, a crossing was conducted with the '9W16' variety as female parent and a ~~Petunia~~ Calibrachoa plant variety '9W6' as pollen parent in April 1998 at ~~the Omi R&D Center of~~ ~~SUNTORY FLOWERS Ltd., located at~~ 863-1, Aza-Iketani, Omori-cho,

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Yokaichi-shi, Shiga-ken, Japan. From that crossing 50 seedlings were obtained and 5 seedlings were selected in view of their semi-erect growth habit by the end of September 1999. These 5 seedlings were grown and were tested during potting and bedding trials. Only one plant was selected in September 2000. The selected plant was propagated by cutting and then grown in pot on trial in the green house and the field at 863-1, Aza-Iketani, Omori-cho, Yokaichi-shi, Shiga-ken, Japan ~~the Omi R&D Center~~ from April to October 2001. The botanical characteristics of the finally selected plant were examined, using similar variety 'SUNBELCHUPI' (U.S. Plant Pat. No. 10,355) for comparison. As a result, it was concluded that this new ~~Petunia~~ Calibrachoa is distinguishable from any other variety, whose existence is known to us, and is uniform and stable in its characteristics. ~~then~~ This new variety of ~~Petunia~~ Calibrachoa plant was named 'SUNBELHO'. The new variety reproduces true to type in successive generations of asexual reproduction.

In the following description, the color information is in accordance with The R.H.S. Color Chart of The Royal Horticultural Society, London, England. A color chart based on The Japan Color Standard for Horticultural Plants (J.H.S. Color Chart) is also added for reference.

The '9W16', used as female parent in the obtaining of this new variety 'SUNBELHO', is our bred variety previously filed in Japan. The main botanical characteristics of the '9W16' are as follows:

Plant:

Growth habit - Semi-decumbent.

Plant height - 18 cm.

Spreading area of plant - Slightly large.

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Blooming period - April to late October in the southern Kanto area, Japan. The plant shape does not change throughout this period.

Stem:

- 5 Thickness - 2.8 mm.
Pubescence - Sparse.
Branching - Abundant with the superior branching propensity, especially secondary branches are.
Length of internode - 2.2 cm.

10 Leaf:

Shape - Semi-lanceolate.
Length - 5.2 cm.
Width - 2.2 cm.
Color - Dark yellow green (R.H.S 146A, J.H.S. 3508).

- 15 Thickness - 0.3 mm.
Pubescence - Sparse.
Leaf attaching angle to stem - Horizontal.

Flower:

- Facing direction - Slantly upward.
20 Type - Single.
Shape - Funnel-shape with five-fissured limb.
Shape of petal tip - Slightly acute.
Waving of petal - Weak.
Lobation of petal - Shallow.

- 25 Diameter - 2.9 cm.
Color - Petal: Vivid red purple R.H.S. 74A, J.H.S. 9207).
Bottom color of corolla throat: light greenish yellow
(R.H.S. 5D, J.H.S. 2703). Outside color of corolla tube:
Bright greenish yellow (R.H.S. 5C, J.H.S. 2905).

- 30 Reproductive organs - 1 normal pistil and 5 normal stamens.

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Fertility - Fertile, but self-incompatible.

Peduncle - 1.3 mm in thickness, and 2.3 cm in length.

Physiological and ecological characteristics - High

5 resistance to cold, heat, rain and diseases, such as
powdery mildew. The resistance to heat and rain is very
strong.

Blooming:

10 A bloom commonly lasts approximately 10 days on the
plant. Pinching is not necessary to ensure continuous
blooming; however, it does tend to enhance bloom
production.

15 The '9W6', used as male parent in the obtaining of
this new variety "SUNBELHO", ~~are~~ is our bred variety and
not filed in Japan nor any other country. '9W6' had been
~~grown at the Omi R&D Center of SUNTORY FLOWERS Ltd.,~~
~~located at 863-1, Aza Iketani, Omeri-cho, Yokaichi-shi,~~
Shiga-ken, Japan. The main botanical characteristics of
the '9W6' are as follows:

Plant:

20 Growth habit - Semi-erect.

Plant height - 26 cm.

Spreading area of plant - Slightly large.

Blooming period - April to late October in the southern

25 Kanto area, Japan. The plant shape does not change
throughout this period.

Stem:

Thickness - 2.2 mm.

Pubescence - Normal.

30 Branching - Abundant with the superior branching
propensity, especially secondary branches are.

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Length of internode - 1.7 cm.

Leaf

Shape: Lanceolate.

Length - 4.8 cm.

5 Width - 1.3 cm.

Color - Dark yellow green (R.H.S. 146A, J.H.S. 3508).

Thickness - 0.3 mm.

Pubescence - Sparse.

Leaf attaching angle to stem - Horizontal.

10 Flower:

Facing direction - Slantly upward.

Type - Single.

Shape - Funnel-shape, with five-fissured limb.

Shape of petal tip - Slightly acute.

15 Waving of petal - Weak.

Lobation of petal - Shallow.

Diameter - 3.1 cm.

Color - Petal: Vivid red purple (R.H.S. 61C, J.H.S. 9507).

20 Bottom color of corolla throat: Strong greenish yellow
(R.H.S. 4C, J.H.S. 2707). Outside color of corolla tube:
Pale greenish yellow (R.H.S. 5D, J.H.S. 2703).

Reproductive organs - 1 normal pistil and 5 normal stamens.

Fertility - Fertile, but self-incompatible.

Peduncle - 1.2 mm. in thickness, and 1.6 cm in length.

25 Physiological and ecological characteristics - High
resistance to cold, heat, rain and diseases such as
powdery mildew. The resistance to heat and rain is very
strong.

Blooming:

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A bloom commonly lasts approximately 10 days on the plant. Pinching is not necessary to ensure continuous blooming; however, it does tend to enhance bloom production.

5 The 'SUNBELCHUPI', used as a comparison in the obtaining of this new variety 'SUNBELHO' is our bred variety previously filed in Japan (Seeds and Seedlings Law Registration No. 7232) and U.S.A. (U.S. Plant Pat. No. 10,355). The main botanical characteristics of the
10 'SUNBELCHUPI' are as follows:

Plant:

Growth habit - Semi-decumbent.

Plant height - 16 cm.

Spreading area of the plant - Slightly large.

15 Blooming period - April to late October in the southern Kanto area, Japan. The plant shape does not change throughout this period.

Stem:

Thickness - 2.4 mm.

20 Pubescence - Normal.

Branching - Abundant with the superior branching propensity, especially secondary branches are.

Length of internode - 2.1 cm.

Leaf:

25 Shape - Lanceolate.

Length - 5.2 cm.

Width - 1.4 cm.

Color - Dark yellow green (R.H.S. 146A, J.H.S. 3508).

Thickness - 0.4 mm.

30 Pubescence - Sparse.

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Leaf attaching angle to stem - Horizontal to slightly droopy.

Flower:

Facing direction - Horizontal

5 Type - Single

Shape - Funnel-shape, with five-fissured limb.

Shape of petal tip - Medium

Waving of petal - Weak.

Lobation of petal - Shallow.

10 Diameter - 2.9 cm.

Color - Petal: Vivid purplish red (R.H.S. 57C, J.H.S.

9707. Bottom color of corolla throat: Strong yellow

(R.H.S. 9A, J.H.S. 2513). Outside color of corolla tube:

Light greenish yellow (R.H.S. 5C, J.H.S. 2904).

15 Reproductive organs.- 1 normal pistil and 5 normal stamens.

Fertility - Fertile, but self-incompatible.

Peduncle - 0.8 mm in thickness, and 2.0 cm in length.

Physiological and ecological characteristics - High

20 resistance to cold, heat, rain and diseases such as powdery mildew. The resistance to heat and rain is very strong.

Blooming:

A bloom commonly lasts approximately 10 days on the plant.

25 Pinching is not necessary to ensure continuous blooming; however, it does tend to enhance bloom production.

SUMMARY OF THE VARIETY

This new variety of ~~Petunia~~ Calibrachoa plant 'SUNBELHO' has a semi-decumbent growth habit with abundant branching, with single and very small white color flowers and forms a great
30 profusion of blooms with the whole plant remaining in bloom for

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a considerable period of time. The plant is highly tolerant to cold, rain, heat and diseases, particularly powdery mildew and highly resistant to heat and rain.

BRIEF DESCRIPTION OF THE PHOTOGRAPH

5 FIG. 1 is a photograph of flowers and leaves of the new variety of ~~Petunia~~ Calibrachoa plant 'SUNBELHO'.

FIG. 2 is a photograph of a typical plant of the new variety of ~~Petunia~~ Calibrachoa plant 'SUNBELHO' growing in a pot.

10 DESCRIPTION OF THE NEW VARIETY

The botanical characteristics of the new and distinct variety of ~~Petunia~~ Calibrachoa plant named 'SUNBELHO' are as follows when observing during October at Yokaichi-shi, Shiga-ken, Japan, young plants that had been reproduced by cuttings in
15 June.

Plant:

Growth habit - Semi-decumbent.

Plant height - approximately 16 cm.

20 Spreading area of plant - ~~Slightly large~~ approximately 35 cm.

Blooming period - April to late October in the southern

Kanto area, Japan. The first flower would be observed

approximately four weeks after planting. The plant shape

does not change throughout this period.

25 Stem:

Thickness - approximately 2.3 mm.

Length - approximately 18 cm.

Color - near R.H.S. 144A.

Pubescence - Normal.

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Branching - Abundant with the superior branching
propensity, especially secondary branches are.

Length of internode - approximately 2.6 cm.

Leaf:

5 Shape - Lanceolate.

Length - approximately 5.1 cm.

Width - approximately 1.6 cm.

Color - Upper - Dark yellow green (near R.H.S. 146A, J.H.S.
3508). Lower - near R.H.S. 146B.

10 Thickness - approximately 0.4 mm.

Pubescence - Sparse.

Apex - obtuse.

Margin - entire.

Base Shape - cuneate.

15 Leaf attaching angle to stem - Horizontal to slightly
droopy.

Flower:

Facing direction - Slantly upward to horizontal.

Type - Single.

20 Bud shape - lenticular.

Bud length - approximately 2.0 cm.

Bud diameter - approximately 0.5 cm.

Bud color - Near R.H.S. 145C.

Shape - Funnel-shape, with five petals ~~fissured limb.~~

25 Apex shape of petal - truncate.

Petal margin - entire.

Shape of petal tip - Medium.

Waving of petal - Weak

~~Lobation of petal - Shallow.~~

30 Diameter of entire flower - approximately 3.0 cm.

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Height of flower - approximately 3.0 cm.

Petals are fused at the base and the petal length from the throat is approximately 1.5 cm, the petal width is approximately 1.5 cm, the length of the corolla tube is approximately 1.5 cm and the flower throat diameter is approximately 0.7 cm.

Color - Petal (both upper the lower sides): White (near R.H.S.155A, J.H.S. -01). Bottom color of corolla throat: Brilliant greenish yellow (near R.H.S. 8A, J.H.S. 2704). Inside color of corolla throat: near R.H.S. 8A with vein near R.H.S. 145B. Outside color of corolla tube: Bright greenish yellow (near R.H.S. 5C, J.H.S. 2905). Outside color of corolla throat is near R.H.S. 5C with vein near R.H.S. 145B.

Fragrance - none.

Sepal

Number - 5; fused at base

Sepal length - Approximately 1.0 cm

Sepal width - Approximately 2.0 mm.

Apex shape - Acute

Margin - Entire

Color - Inside sepal color near R.H.S. 146A and outside sepal color near R.H.S. 144A.

Reproductive organs - 1 normal pistil and 5 normal stamens.

Fertility.-- Fertile, but self-incompatible.

Peduncle.-- approximately 0.8 mm in thickness, and approximately 1.9 cm in length. Color is near R.H.S. 144A.

Physiological and ecological characteristics - High resistance to cold, heat, rain and diseases such as

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powdery mildew. The resistance to heat and rain is very strong. The USDA Hardiness Zones of the instant variety is No. 9.

Pest Resistance/Susceptibility - No serious damage by white fly or aphids has been observed.

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Blooming:

A bloom commonly lasts approximately 10 days on the plant.

Pinching is not necessary to ensure continuous blooming; however, it does tend to enhance bloom production.

10

This new variety of ~~Petunia~~ Calibrachoa plant is most suitable for flower bedding and potting, particularly in hanging pots or planters, and is excellent for use as ground cover. Pinching of old blossoms will enhance the formation of new blossoms.

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What is claimed is:

1. A new and distinct variety of Calibrachoa ~~Petunia~~ plant named 'Sunbelho', substantially as herein illustrated and described, ~~characterized particularly as to novelty by (A)~~
5 ~~having a semi-decumbent growth habit, (B) having a great~~
~~profusion of blooms with the entire plant remaining in bloom for~~
~~a considerable period of time, (C) being single and very small~~
~~flowers with the white colored petals, and (D) high resistance~~
~~to rain, heat, drought and diseases such as powdery mildew.~~

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~~Petunia~~ Calibrachoa PLANT NAMED 'SUNBELHO'

ABSTRACT OF THE DISCLOSURE

Disclosed herein is a new and distinct variety of ~~Petunia~~
Calibrachoa plant, having a semi-decumbent habit. The ~~Petunia~~
5 Calibrachoa plant has abundant branching particularly with
respect to secondary branching, and a great profusion of blooms
with the entire plant remaining in bloom for a considerable
period of time. the flowers are single and very small with the
white petals. the base color of the corolla throat is brilliant
10 greenish yellow and the outside of the corolla tube is brilliant
greenish yellow. The plant exhibits high resistance to rain,
heat, drought and diseases such as powdery mildew.

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